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Attorneys for Defendant Century Theatres, Inc.

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

INNA VIGDORCHIK, on behalf of) Case No.: C07-0736 MMC
herself and all others similarly situated,)
Plaintiff,) HON. MAXINE M. CHESNEY

v.)

CENTURY THEATERS, INC. AND)
CINEMARK USA, INC.,)
Defendants.)

**JOINT STATUS REPORT RE:
FACTA CASES PENDING AT THE
NINTH CIRCUIT AND
[PROPOSED] ORDER TO
CONTINUE STATUS
CONFERENCE**

1 Pursuant to the Court's Order of October 25, 2007, Inna Vigdorichik
2 ("Plaintiff") and Century Theaters, Inc. ("Defendant") hereby submit this report
3 regarding the appeals pending in cases, like this one, arising under the Fair
4 Credit Reporting Act and Fair and Accurate Credit Transaction Act, 15 U.S.C.
5 §§ 1681c(g) and 1681n. The following appeals are currently pending before
6 the United States Court of Appeals for the Ninth Circuit:

7 1. On September 13, 2007, the Ninth Circuit granted plaintiff's FED.
8 R. Civ. P. 23(f) petition for review of the Hon. R. Gary Klausner's denial of
9 class certification in the case of *Soualian v. International Coffee and Tea, LLC*,
10 No. 07-CV-00502 RGK (JCx) (C. D. Cal.). The parties agreed to a class
11 settlement requiring district court approval. On March 28, 2008, the parties
12 filed a Joint Motion for Conditional Certification of Settlement Class and For
13 Preliminary Approval of Class Action Settlement in the district court. On
14 March 28, 2008, the Ninth Circuit issued an order vacating the briefing
15 schedule and giving the plaintiff-appellant 90 days to either move for dismissal
16 of the appeal or contact the Circuit Mediator.

17 2. On January 14, 2008, the Ninth Circuit granted defendant's FED.
18 R. Civ. P. 23(f) petition for review of the Hon. James V. Selna's grant of class
19 certification in the case of *Reynoso v. South County Concepts*, Case No. CV 07-
20 373 JVS (C.D. Cal.), *leave to appeal granted*, Appellate Dkt No. 07-80191 (9th
21 Cir. Jan. 14, 2008), *appeal docketed*, Appellate Dkt. No. 08-55079 (9th Cir.).
22 A briefing schedule has been established. The appellant South County
23 Concepts' opening brief is due May 1, 2008, the appellee Reynoso's brief is
24 due on June 2, 2008, and appellant's reply brief, if any, is due within fourteen
25 days of service of the appellee's brief.

26 3. The parties agree that the Ninth Circuit's ruling on class
27 certification in *Reynoso v. South County Concepts* may affect the legal
28 framework of this case.

1 4. The parties also agree that a continued stay of this action pending
2 appellate review of *Reynoso v. South County Concepts* will conserve judicial
3 and party resources, and avoid unnecessary expenditures of time, effort, and
4 money.

5 5. The parties agree and submit that the stay of this action should
6 remain in place.

7 6. The parties agree that the status conference scheduled for April 25,
8 2008, should be continued to October 24, 2008.

9 7. The parties will submit a further report to the court regarding the
10 status of any related Ninth Circuit appeals on October 17, 2008, or at any
11 earlier date if the status of the related Ninth Circuit appeals changes in a
12 manner that warrants a further update.

13
14 Dated: April , 2008

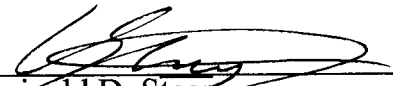
KELLER GROVER LLP

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16 By: _____
17 Eric A. Grover
18 Denise L. Díaz

Attorneys for Plaintiff

19
20 Dated: April 17, 2008

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~~PROPOSED~~ ORDER

Upon the Stipulation of the parties, and for good cause shown, the status conference scheduled for April 25, 2008, to determine whether it is appropriate to continue the stay of this action shall be continued to October 24, 2008. Further status conferences on the appropriateness of this stay shall be set thereafter. The parties reserve the right to approach the Court at any time and, upon a showing of good cause, seek modification, extension or termination of this order.

The parties shall submit a report on October 17, 2008, as to the status of the appeals in other FACTA cases, and any developments in this case. The parties will also inform the Court as to whether the stay should remain in place or be lifted.

IT IS SO ORDERED.

DATED: April 18, 2008


Maxine M. Chesney
United States District Court Judge